

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GUSTAVO KINRYS,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY, INC. and
its subsidiaries, and LAW OFFICES OF
RANDALL L. PRATT, LLC,

Defendants.

Case No. _____

Removed from:

**Commonwealth of Massachusetts,
Superior Court Department of the Trial
Court, County of Nantucket**

Civil Docket No. 2375CV00034

NOTICE OF REMOVAL

Defendant American Express Company, Inc.¹ by and through the undersigned counsel, hereby removes this action from the Massachusetts Superior Court Department of The Trial Court, County of Nantucket, to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. AMEX states as follows:

1. The pending action is styled as *Gustavo Kinrys v. American Express Company, Inc., et al.*, Civil Docket No. 2375CV00034 before the Commonwealth of Massachusetts, Superior Court Department of the Trial Court, County of Nantucket, located at 16 Broad Street, P.O. Box 967, Nantucket, MA 02554. True and correct copies of all process, pleadings and orders filed to date are collectively attached as **Exhibit A**.

2. As explained below, this Court has original subject matter jurisdiction over this civil action under 28 U.S.C. § 1331 because Plaintiff Gustavo Kinrys' Complaint contains claims

¹ If this litigation is not resolved, Plaintiff Kinrys will need to amend his complaint to substitute American Express National Bank as the appropriate defendant.

for alleged violations of the Truth in Lending Act, 15 U.S.C. § 1601, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, and the Fair Credit Reporting Act, 15 U.S.C. § 1681.

I. JURISDICTION IS PROPER UNDER 28 U.S.C. § 1331.

3. Plaintiff's Complaint contains claims under the federal Truth in Lending Act, the Fair Debt Collection Practices Act, and the Fair Credit Reporting Act and, therefore, this Court has original jurisdiction of this and all other claims raised in Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1331 and 1441(a) and (c).

II. THE NOTICE OF REMOVAL IS TIMELY

4. This removal is timely, as AMEX files this Notice of Removal within 30 days of September 1, 2023, the date of service of the summons and Complaint upon AMEX,² as required by the removal statute. *See* 28 U.S.C. § 1446(b)(2)(B) ("Each defendant shall have 30 days after the receipt by or service on that defendant of the initial pleading or summons . . . to file the notice of removal.").

III. VENUE IS PROPER IN THE DISTRICT OF MASSACHUSETTS.

5. Under 28 U.S.C. § 112, the United States District Court for the District of Massachusetts is the proper venue for removal under 28 U.S.C. § 1441(a), because the District of Massachusetts encompasses Nantucket County, where this action is now pending.

IV. FILING OF REMOVAL PAPERS

6. Copies of all process, pleadings, and orders that have been served upon AMEX are collectively attached to this Notice of Removal as **Exhibit A** pursuant to 28 U.S.C. § 1446(a).

7. There are no pending motions, petitions or other briefing before the state court.

² **Exhibit A** (includes Return of Service for American Express Company, Inc.)

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Commonwealth of Massachusetts, Superior Court Department of the Trial Court, County of Nantucket; and this Notice has been served upon all parties, including Plaintiff Kinrys, by mail, as indicated on the Certificate of Service.

9. By filing this Notice of Removal, AMEX does not waive any jurisdictional or other defenses that might be available to it.

10. AMEX reserves the right to amend or supplement this Notice of Removal, as necessary.

WHEREFORE, Defendant AMEX hereby removes this action from the Commonwealth of Massachusetts, Superior Court Department of the Trial Court, County of Nantucket, to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and states that no further proceedings may be had in the state action.

Respectfully submitted,

AMERICAN EXPRESS COMPANY, INC.
By its attorney,

/s/ Anne Krache

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CERTIFICATE OF SERVICE

This is to certify that I have this 25th Day of September 2023, electronically filed the foregoing using the CM/ECF system and served by agreement upon the following parties by electronic mail:

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/s/ Anne Krache
Anne Krache
*Counsel for Defendant American Express
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